

TEXT OF PROPOSED REGULATIONS

In the following, underline indicates new text.

Subchapter 6. Adult Parole.

Under Subchapter 6, new Article 21 is adopted to read:

Article 21. PC 3050 Residential Aftercare Program.

New section 3800 is adopted to read:

3800. General Policy.

Pursuant to Penal Code (PC) section 3050, eligible felon inmates who have successfully completed an in-prison drug treatment program or other CDCR sanctioned substance abuse program, upon release from state prison, shall, whenever possible, be entered into a 150-day residential aftercare drug treatment program sanctioned by the California Department of Corrections and Rehabilitation (CDCR). This residential treatment program shall be known as the Treatment Incentive Program (TIP). As a condition of parole, if the parolee successfully completes 150 days of residential aftercare treatment, as determined by the CDCR and the aftercare provider, the parolee shall be discharged from parole supervision at that time.

Note: Authority cited: Section 5058, Penal Code. Reference: Sections 3050 and 5054, Penal Code.

New section 3800.1 is adopted to read:

3800.1. Treatment Incentive Program Eligibility Criteria.

(a) To be eligible to participate in the Residential Aftercare Program, the felon inmate must:

- (1) Volunteer to participate.
- (2) Have successfully completed an in-prison Substance Abuse Program (SAP), as described in section 3040.1, or other CDCR sanctioned substance abuse program.
- (3) Not meet any of the exclusionary criteria as provided for in section 3800.2.

(b) Successful completion of a SAP or other CDCR sanctioned substance abuse program will be determined by the Successful Completion Assessment Team (SCAT).

(1) The SCAT shall include:

- (A) Correctional Counselor (CC) III
- (B) SAP treatment staff.

(2) The SCAT shall determine successful completion of the SAP or other CDCR sanctioned substance abuse program based on the following criteria:

- (A) Time in program.
- (B) Participation in program.
- (C) Performance in program.

(D) Accomplishment of treatment plan objectives.

Note: Authority cited: Section 5058, Penal Code. Reference: Sections 3050 and 5054, Penal Code.

New section 3800.2 is adopted to read:

3800.2. Treatment Incentive Program Exclusionary Criteria.

(a) An inmate is excluded from Treatment Incentive Program participation if any of the following conditions exist:

(1) The inmate is currently serving time as a parole violator who has been returned to custody.

(2) The inmate was convicted on or after January 1, 1997 of Corporal Injury pursuant to PC section 273.5; Violation of a Protective Order pursuant to PC section 273.6; or Stalking pursuant to PC section 646.9, where they are required to complete a 52-week batterer's program as outlined in PC Section 3053.2.

(3) The inmate is currently serving a Civil Addict commitment as described in Welfare and Institutions Code section 3051.

(4) The inmate is currently serving or has served a prior indeterminate sentence or a sentence for:

(A) A violent felony of any of the crimes listed as a violent felony in PC section 667.5(c).

(B) A serious felony of any of the crimes listed as a serious felony in PC sections 1192.7(c) and 1192.8.

(C) A crime that requires him or her to register as a sex offender pursuant to PC section 290.

(5) The inmate is eligible to participate in non-revocable parole status pursuant to Institution Classification action and as noted on CDC Form 128-B (Rev. 04/74), General Chrono.

(b) Inmates who volunteer to participate in the TIP but are denied entry may appeal the decision through the Department's inmate appeal process as outlined in sections 3084 through 3085.

Note: Authority cited: Section 5058, Penal Code. Reference: Sections 273.5, 273.6, 290, 646.9, 667.5(c), 667.59(c), 1192.7(c), 1192.8, 3050, 3053.2, and 5054, Penal Code; Section 3051, Welfare and Institutions Code.

New section 3800.3 is adopted to read:

3800.3. 150-Day Residential Aftercare Program.

(a) After successful completion of a CDCR sanctioned in-prison SAP or other CDCR sanctioned substance abuse program, and volunteering, upon release to parole, the parolee shall be placed in a CDCR sanctioned 150-day community based drug treatment program.

(b) Parolees who successfully complete the 150-day residential aftercare program shall be allowed to leave the program at 5 p.m. on their 150th day in the program, and discharged from parole.

(1) Successful completion will be determined by the Aftercare Successful Completion Assessment Team (ASCAT), whose team members shall include:

(A) The Office of Substance Abuse Treatment Services (OSATS) PA II,

(B) The Treatment Provider.

(C) The Substance Abuse Service Coordination Agencies (SASCA) or Female Offender Treatment and Employment Program (FOTEP) Advocate, Case Manager.

(D) The Parole Agent of Record (AOR), whenever possible.

(2) Between the parolee's 130th day and no later than the 135th day of the PC section 3050 150-day residential aftercare program, the ASCAT shall conduct a case review to evaluate for successful completion, using the same criteria as for program eligibility outlined in section 3800.1(b).

(3) Upon a determination of successful completion, a copy of the Certificate of Completion and a CDCR Form 1502 (Rev. 10/06), Activity Report, shall be faxed to the AOR by the OSATS PA II no later than the 137th day. The AOR shall complete the CDCR Form 1502 and any remaining documentation, recommend closing interest in the case pursuant to PC section 3050(b), and shall submit the case to the Unit Supervisor (US) for review.

(4) The field parole US shall review the CDCR Form 1502, and upon approval, note an effective discharge date of 150-days from the date the parolee entered the residential program pursuant to PC section 3050(b). The CDCR Form 1502 and Certificate of Completion shall then be forwarded to Case Records.

(5) Upon receipt of the CDCR Form 1502, Division of Adult Parole Operations (DAPO) Case Records shall discharge the parolee from parole pursuant to PC section 3050(b).

(c) Parolees who fail to successfully complete the Treatment Incentive Program will remain under active parole supervision of DAPO.

(1) The US may restart the parolee in another CDCR sanctioned PC section 3050 150-day program.

(A) The AOR will contact SASCA for an alternate placement and recommend that the parolee restart the 150-days. If there is no bed or program available the parolee will not be afforded the option to restart and will forfeit the opportunity to discharge from parole pursuant to PC section 3050.

(B) If the parolee is restarted in the program a CDCR Form 1502 shall be submitted to the US recommending the effective start date and noting the new tentative discharge date 150-days after the restart date.

Note: Authority cited: Section 5058, Penal Code. Reference: Sections 3050 and 5054, Penal Code.